

Honorable Timothy W. Dore
Chapter 13
Hearing Date: August 21, 2013
Hearing Time: 9:30 a.m.
Location: Seattle
700 Stewart St #8106
Seattle, WA 98101

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON**

IN RE:

ADAM LUKE HOLLAND,
Debtor

Case No. 13-14127-TWD

WEST GREEN CHOA'S RESPONSE TO
MOTIONS TO DISMISS BY CHAPTER 13
TRUSTEE, KING COUNTY, AND
RESPONSE OF DEBTOR

West Green CHOA, through its attorney of record, Brian J. Hanis, provides the following response to the motions to dismiss by the Chapter 13 Trustee and King County Treasury Operations as well as the Response filed by Debtor.

West Green CHOA joins in agreeing with the arguments presented by both the Chapter 13 Trustee and King County.

It is understood that debtor is now attempting to make this bankruptcy work but by his own actions, he has used bankruptcy to delay creditors in the past. On page 4 of his response, under legal argument (paragraph starting with "The Debtor") in the last sentence debtor states that the sole purpose was to protect his asset. I do not see how filing then dismissing on multiple occasions is an act to save an asset. It simply delayed foreclosure from happening and payment of the liens on such property, causing creditors further harm.

Bankruptcy is not a tool to be used as simply file, get the foreclosure stopped, let the case dismiss, wait, file again. It is an avenue created for those willing to follow its

Response to Motion to Dismiss - 1

HANIS IRVINE PROTHERO, PLLC
6703 S. 234TH STREET SUITE 300
KENT, WA 98032
PHONE: 253-520-5000
FACSIMILE 253-893-5007

1 requirements to try and save property. Filing, dismissing, filing, dismissing, only shows
2 intent to delay. If the intention was to use bankruptcy before, he should have done more than
3 simply filed.

4 11 U.S.C. §109(g) is applicable in that each of the prior filings the matters were
5 dismissed because debtor failed to abide by orders of the court. In each case, he failed to file
6 necessary documents and to follow through with the bankruptcy. Debtor admits in his
7 response he did not comply and this shows intent to hinder or delay creditors. The ultimate
8 result of each delay was more fees and costs being added to the already filed liens. This did
9 not protect the asset but only caused more damage.

10 Debtor has now filed a new plan which still does not address all of the issues that
11 were presented to him at the July 17 hearing. It has been clear to him that he needs to
12 propose a plan that pays King County its money with interest over the life of the plan. He
13 also needs to pay West Green. West Green alone requires \$668.78 per month for arrears and
14 \$291.00 per month for ongoing assessments. The new plan only proposes \$700.00 total,
15 which is not even enough to pay West Green. This is relevant now because it does not
16 appear that Debtor has the funds to fulfill a plan. All this ultimately leads to more delay
17 caused to the secured creditors that continue to be affected by Debtor's actions.

18 CONCLUSION

19 Based upon these facts, the pending motions of Chapter 13 Trustee and King County
20 should be granted.

21 DATED this 14th day of August 2013.

HANIS IRVINE PROTHERO, PLLC

/s/ Brian J. Hanis

Brian J. Hanis, WSBA #35367
Attorney for West Green CHOA

1 I, Brian J. Hanis, under penalty of perjury, declare that on the dates indicated below, I
2 caused a copy of the following documents to be served on the parties listed below via United
3 States First Class Mail and/or ECF:

4 West Green's Response

5 Via ECF on June 13, 2013:

6 VIA ECF ONLY:

7 K Michael Fitzgerald
8 600 University St #2200
9 Seattle, WA 98101
10 206-624-5124
11 courtmail@seattlech13.com
12 *Trustee*

13 Margaret A Pahl
14 King County Prosecutor's Office
15 516 3rd Ave Ste E550
16 Seattle, WA 98104-2312
17 206-296-9015
18 peggy.pahl@kingcounty.gov
19 *Attorney for King County Treasury Operations*

20 Via First Class Mail, postage prepaid, on June 13, 2013
21 Adam Luke Holland
22 418 S. 325th Pl #4
23 Federal Way, WA 98003
24 *Debtor*

25 I CERTIFY UNDER PENTALTY OF PERJURY UNDER THE LAWS OF THE
STATE OF WASHINGTON THAT THE FOREGOING STATEMENT IS BOTH TRUE
AND CORRECT.

DATED this 14th day of August, 2013, at Kent, Washington.

HANIS IRVINE PROTHERO, PLLC

/s/ Brian J. Hanis

Brian J. Hanis, WSBA #35367
Attorney for West Green HOA